



DPW

PATENT

Attorney Docket No. SHP026.4.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Smith et al.

EXAMINER: Cris L. Rodriguez

SERIAL NO.: 10/721,526

CONFIRMATION NO.: 5331

FILED: November 25, 2003

ART UNIT: 3763

FOR: *SAFETY SHIELD FOR MEDICAL NEEDLES*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to, Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

3/5/05

Date

By

Jodi Barrus

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION SETTING FORTH
A REQUIREMENT FOR AN ELECTION OF SPECIES
AND PRELIMINARY AMENDMENT**

Madam:

The Office Action mailed March 7, 2005 required an election to the following species of the claimed invention:

- a) Figs. 1-8
- b) Figs. 9-11,
- c) Figs. 12-15
- d) Figs. 16-23A and 24-27,
- e) Figs. 23B,

- f) Figs. 28-33,
- g) Figs. 34-37, and
- h) Figs. 38-41.

In response thereto, Applicants provisionally elect, with traverse, species d), corresponding to Figures 16-23A and 24-27. The claims which correspond to the provisionally elected species include, at least, claims 1-17, 19, 20, 22, 23-30, 32, and 33.

The Examiner's attention is drawn to Applicants' respectful request for reconsideration of the species requirement, or in the alternative, modification thereof. In particular, Applicants respectfully submit that the species a, b, c, d, e, f, g and h designated in the Office Action and corresponding to Figs. 1-41 should be combined as one specie, as they are so closely related that combining them would not provide an undue burden to consider them together. The claims which correspond to the combined specie would also include claims 1-33. Most certainly, the field of search for each would be identical. Accordingly, Applicants respectfully request reconsideration and modification of the species requirement as presented above.

In the Office Action, no claims were found generic. Applicants respectfully submit that at least independent claims 1, 23, 27, 32, 33 are generic to species a, b, c, d, e, f, g, and h as designated in the Office Action. Therefore, upon the allowance of the generic claims all respective dependent claims would also be allowable. Support for this position may be found throughout the specification and drawings of the instant application.

Please also enter this Preliminary Amendment and consider the above captioned application in view of the amendments provided below.